

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: JUNE 17, 2009**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ Consent ☒ Discussion

**SUBJECT:**

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2009-20 – ABEYANCE ITEM - Prohibits alcoholic beverages and glass beverage containers in City parks except pursuant to a permit or other written authorization. Sponsored by: Councilman Gary Reese and Lois Tarkanian

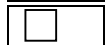
**Fiscal Impact**



No Impact



Augmentation Required



Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

Under current ordinances and regulations, alcoholic beverages are prohibited in the parking lots and playground areas of City parks, but there has been some uncertainty as to how to apply the prohibitions in various locations. Additionally, park-related problems caused by the presence of alcoholic beverages and glass containers have increased, calling for a broadening of the existing prohibition. This bill will provide an updated rule, prohibiting alcoholic beverages and glass beverage containers in City parks except pursuant to a permit or other written authorization. This item was held in abeyance from the 6/3/2009 City Council Meeting.

**RECOMMENDATION:**

FORWARDED to Full Council at 6/3/2009 City Council meeting with no recommendation pursuant to the 5/19/2009 Recommending Committee.

First Reading – 5/6/2009; First Publication – 5/22/2009

**BACKUP DOCUMENTATION:**

1. Bill No. 2009-20
2. Business Impact Statement
3. Submitted at Meeting – Proposed First Amendment by Staff
4. Submitted after Meeting - PowerPoint Presentation by Staff

Motion made by LOIS TARKANIAN to Approve as a First Amendment

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW)

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Minutes:

Second reading and bill adopted as amended as Ordinance No. 6043.

COUNCILMAN REESE thanked COUNCILWOMAN TARKANIAN for her hard work on this bill, which he felt was long overdue.

DEPUTY CITY MANAGER ORLANDO SANCHEZ stated that this bill would amend the rules and regulations regarding alcoholic beverages and glass containers in City parks. He went over the current requirements and the proposed changes, as detailed in the PowerPoint Presentation, which is made a part of the minutes. The ordinance changes would become effective 10/5/2009, in order to allow staff to educate the public. The alcohol prohibition portion would sunset 10/5/2010, but the no-glass beverage containers requirement would remain in effect permanently. CHIEF DEPUTY CITY ATTORNEY VAL STEED clarified that the ordinance would sunset 10/1/2010.

COUNCILMAN ANTHONY verified with DEPUTY CITY MANAGER SANCHEZ that alcohol consumption would be allowed with a permit as long as it is not in glass containers.

MAYOR GOODMAN liked the idea of not allowing glass containers in parks because they could pose a danger, but he ascertained with DEPUTY CITY MANAGER SANCHEZ that any person wanting to have a beer would have the ability to contact someone and obtain permission. DEPUTY CITY MANAGER SANCHEZ replied in the affirmative, adding that telephone numbers would be posted. COUNCILMAN REESE felt uncomfortable with allowing people to obtain permission by telephone because there would be no way to verify the caller's age.

BILLIE BASTIAN, Director of Leisure Services, explained that the proposal is to allow people to reserve a picnic pavilion area, which would allow the consumption of alcohol. Leisure Services currently does not screen for age. Reservations are primarily made through telephone and facsimile, and it is the responsibility of the person who signs the waiver to comply with State laws regarding alcohol consumption.

COUNCILMAN WOLFSON confirmed with MS. BASTIAN that a live individual would answer the telephone calls and take information that the marshals can access for verification.

TIM SHATTLER, Deputy Chief of Detention and Enforcement, stated the proposed changes will give his officers the ability to verify ages.

Since there were questions remaining as to how to deter minors from obtaining a permit for alcohol consumption and imposing stricter penalties for persons providing false information, MAYOR GOODMAN suggested approval of the ordinance as proposed, and staff could work out the details in the interim as to how the ordinance would be implemented by 10/5/2009.

COUNCILWOMAN TARKANIAN thanked COUNCILMAN REESE for all his assistance with this ordinance.